

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1189

Introduced by Senator Florez

January 19, 2006

~~An act to amend Section 212 of the Labor Code, relating to employment compensation. An act to add Section 20527.14 to the Water Code, relating to irrigation districts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1189, as amended, Florez. ~~Employment: compensation.~~
Alpaugh Irrigation District.

(1) The Irrigation District Law generally defines "voter" for the purposes of provisions governing irrigation districts to mean a voter, as defined in the Elections Code, who is a resident of an irrigation district. The district law generally requires the directors on the board of an irrigation district to be a voter, a landowner in the district, and a resident of the division of the district that the director represents.

This bill would amend that law for the purposes of the Alpaugh Irrigation District, and provide that every owner of real property in that district, but no others, may vote at district elections, as specified. The bill would provide that any person who is a voter and landowner, as specified, in the Alpaugh Irrigation District may be a director on the board of that district. By imposing requirements on the district and the applicable county in connection with the conduct of district elections, the bill would impose a state-mandated local program. The bill would provide that those provisions are operative as long as the district does not provide certain services for domestic purposes and would require the district to notify the Secretary of State 30 days before commencing to provide any of those services.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law prohibits a person from issuing, in payment of wages, any acknowledgment of indebtedness, unless it is negotiable and payable in cash, on demand, and without discount at some established place of business in the state, and meets specified requirements. A violation of this provision is a misdemeanor.~~

~~This bill would define “without discount” for purposes of this provision to mean without a fee charged by the bank or place of business at which the acknowledgment of indebtedness is payable. Because this bill would change the definition of a crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 20527.14 is added to the Water Code, to
- 2 read:
- 3 20527.14. (a) (1) *This section applies to the Alpaugh*
- 4 *Irrigation District. As used in this section, “district” means the*
- 5 *Alpaugh Irrigation District.*
- 6 (2) *Notwithstanding Section 20527 or any other provision of*
- 7 *law, in the district, every owner of real property within the*
- 8 *district, but no others, may vote at district elections. Owners*
- 9 *need not be residents of the district in order to qualify as voters.*
- 10 (b) *The last equalized district assessment roll is conclusive*
- 11 *evidence of ownership of the real property.*
- 12 (c) (1) *If land is owned in joint tenancy, tenancy in common,*
- 13 *or any other multiple ownership, the owners of the land shall*

1 designate, in writing, which one of the owners is deemed the
2 owner of the land for purposes of qualifying as a voter.

3 (2) The designation shall be made upon a form provided by
4 the district, and shall be filed with the district at least 40 days
5 before the date of the election and shall remain in effect until
6 amended or revoked. No amendment or revocation may occur
7 within the period of 39 days before the date of any election.

8 (d) The district shall provide a list of eligible voters pursuant
9 to Section 10525 of the Elections Code at least 35 days before
10 the date of an election, which list shall provide for the limitation
11 of one vote for each owner as specified in this section.

12 (e) The legal representative of a corporation or estate owning
13 real property may vote on behalf of the corporation or estate.

14 (f) (1) Every voter, or his or her legal representative, may
15 vote at any district election either in person or by a person
16 appointed as his or her proxy, but may cast only one vote.

17 (2) The district has the powers of a California water district
18 with regard to Section 35005 and the appointment of a proxy
19 shall be pursuant to that section.

20 (g) Notwithstanding Section 21100 or any other provision of
21 law, any voter, as specified in this section, may be a member of
22 the board of the district as long as the voter is a landowner
23 within the district.

24 (h) (1) As used in this section, “legal representative” means
25 an official of a corporation owning real property or a guardian,
26 conservator, executor, or administrator of the estate of the holder
27 of title to real property who is all of the following:

28 (A) Appointed under the laws of this state.

29 (B) Entitled to the possession of the estate’s real property.

30 (C) Authorized by the appointing court to exercise the
31 particular right, privilege, or immunity that the legal
32 representative seeks to exercise.

33 (2) Before a legal representative votes at a district election,
34 the legal representative shall present to the precinct board a
35 certified copy of his or her authority which shall be kept and filed
36 with the returns of the election.

37 (i) (1) This section shall be operative as long as the district
38 does not provide water, drainage services, electricity, flood
39 control services, or sewage disposal services for domestic
40 purposes for residents of the district.

1 (2) (A) *This section shall become inoperative if the district*
2 *commences to provide any of the services described in paragraph*
3 *(1).*

4 (B) *The district shall notify the Secretary of State 30 days*
5 *before commencing to provide any of the services described in*
6 *paragraph (1). The notice required by this subparagraph shall*
7 *state that it is being made pursuant to this subdivision.*

8 SEC. 2. *The Legislature finds and declares that this act,*
9 *which is applicable only to the Alpaugh Irrigation District, is*
10 *necessary because a substantial portion of the land included*
11 *within the district is owned by persons not residing within the*
12 *district who are concerned with the affairs and support of the*
13 *district. It is, therefore, hereby declared that a general law*
14 *cannot be made applicable to the district in accordance with*
15 *Section 16 of Article IV of the California Constitution, and that*
16 *the enactment of this special law is necessary for the solution of*
17 *problems existing within the district.*

18 SEC. 3. *No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district are the result of a program for which legislative authority*
22 *was requested by that local agency or school district, within the*
23 *meaning of Section 17556 of the Government Code and Section 6*
24 *of Article XIII B of the California Constitution.*

25 ~~SECTION 1. Section 212 of the Labor Code is amended to~~
26 ~~read:~~

27 ~~212. (a) No person, or agent or officer thereof, shall issue in~~
28 ~~payment of wages due or to become due, or as an advance on~~
29 ~~wages to be earned, either of the following:~~

30 ~~(1) Any order, check, draft, note, memorandum, or other~~
31 ~~acknowledgment of indebtedness, unless it is negotiable and~~
32 ~~payable in cash, on demand, without discount, at some~~
33 ~~established place of business in the state, the name and address of~~
34 ~~which must appear on the instrument, and at the time of its~~
35 ~~issuance and for a reasonable time thereafter, which must be at~~
36 ~~least 30 days, the maker or drawer has sufficient funds in, or~~
37 ~~credit, arrangement, or understanding with the drawee for its~~
38 ~~payment.~~

1 ~~(2) Any scrip, coupon, cards, or other thing redeemable, in~~
2 ~~merchandise or purporting to be payable or redeemable otherwise~~
3 ~~than in money.~~

4 ~~(b) Where an instrument mentioned in subdivision (a) is~~
5 ~~protested or dishonored, the notice or memorandum of protest or~~
6 ~~dishonor is admissible as proof of presentation, nonpayment, and~~
7 ~~protest and is presumptive evidence of knowledge of~~
8 ~~insufficiency of funds or credit with the drawee.~~

9 ~~(c) Notwithstanding paragraph (1) of subdivision (a), if the~~
10 ~~drawee is a bank, the bank's address need not appear on the~~
11 ~~instrument and, in that case, the instrument shall be negotiable~~
12 ~~and payable in cash, on demand, without discount, at any place~~
13 ~~of business of the drawee chosen by the person entitled to~~
14 ~~enforce the instrument.~~

15 ~~(d) For purposes of this section, "without discount" means~~
16 ~~without a fee charged by the bank or place of business at which~~
17 ~~the instrument described in paragraph (1) of subdivision (a) is~~
18 ~~payable.~~

19 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
20 ~~Section 6 of Article XIII B of the California Constitution because~~
21 ~~the only costs that may be incurred by a local agency or school~~
22 ~~district will be incurred because this act creates a new crime or~~
23 ~~infraction, eliminates a crime or infraction, or changes the~~
24 ~~penalty for a crime or infraction, within the meaning of Section~~
25 ~~17556 of the Government Code, or changes the definition of a~~
26 ~~crime within the meaning of Section 6 of Article XIII B of the~~
27 ~~California Constitution.~~